

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte FLORIAN PESTONI and JOEL L. WOLF

Application No. 09/928,347

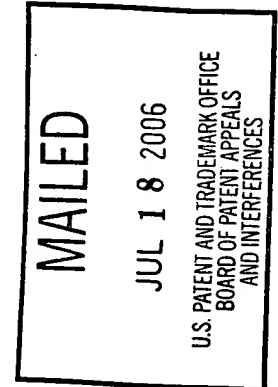
ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on July 12, 2006. A review has determined that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below:

APPEAL BRIEF

Appellants filed an Appeal Brief in accordance with 37 CFR § 41.37(c) which was received by the USPTO on November 9, 2005. The following deficiencies require immediate attention and correction:

The content listed under the "**SUMMARY OF THE CLAIMED SUBJECT MATTER**," does not meet the requirements of 37 CFR § 41.37(c)(1)(v) which clearly states:



A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. [§] 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Further, the section entitled "STATUS OF CLAIMS," does not provide proper identification as to which claims are on appeal.

Finally, the section "GROUND OF REJECTION TO BE REVIEWED ON APPEAL," fails to list the rejections set forth by the Examiner presently on appeal as required by 37 CFR § 41.37(c)(1)(vi).

Correction with respect to the above described matters is required.

Accordingly, it is

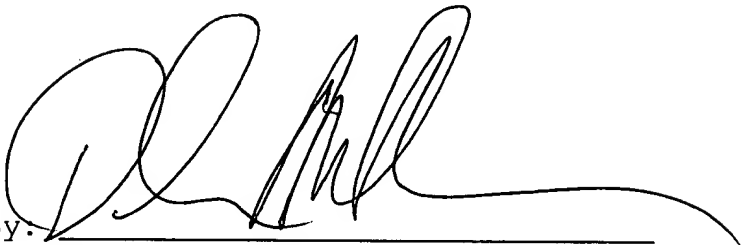
ORDERED that this application be returned to the Examiner:

1) to notify Appellants to file a Supplemental Appeal Brief that meets the requirements of 37 CFR § 41.37(c)(1)(iii), (c)(1)(v) and (c)(1)(vi); and

Application No. 09/928,347

2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By. 

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